



FALCON  
RAPPAPORT &  
BERKMAN<sub>PLLC</sub>

November 20, 2020

**VIA UPS AND EMAIL** (to: [mreiner@hballp.com](mailto:mreiner@hballp.com); [trademarks@hballp.com](mailto:trademarks@hballp.com))

FQM Entertainment Limited, and  
New Girl Order Limited  
12 Oval Road  
London NW17DH  
England

Marc S. Reiner, Esq.  
Hand Baldachin & Associates LLP  
1740 Broadway, 15th Floor  
New York, NY 10019

***Re: Infringement of the NEW GIRL ORDER - NGO<sup>®</sup> Marks***

Dear Mr. Reiner (as Attorney of Record):

Our firm is intellectual property counsel to Carli Scott, who as your client may know is doing business as NEW GIRL ORDER. As you and your client may also know, our client has a federally registered trademark NEW GIRL ORDER - NGO<sup>®</sup>. Through its extensive use and advertising of NEW GIRL ORDER - NGO<sup>®</sup> mark for over 5 years, the mark has developed a reputation for excellence in apparel and other related goods.

Moreover, the mark and a variation thereof are subject to a United States Trademark Registration, Reg. No. 5,018,516 for NEW GIRL ORDER – NGO in Class 25 for “Apparel, namely, sweatpants, sweatshirts, t-shirts, dresses, leggings, jackets, tops, bottoms, hats” (the “NEW GIRL ORDER Mark”). The goodwill our client has established in its trademark is among its most valuable assets, and it takes protection of its intellectual property rights very seriously.

In fact, FQM Entertainment Limited (“FQM”) previously initiated a TTAB Cancellation Action No: 92070821 in which it sought to cancel the NEW GIRL ORDER Mark, and which our client ultimately prevailed (the “TTAB Action”). In fact the TTAB entered a default judgment against FQM as of October 26, 2020. Thus, your client is presumptively estopped from challenging the validity of the NEW GIRL ORDER Mark in any subsequent action.

As established in the discovery process in the TTAB Action (in which your client participated, and as is now very much aware of our client’s NEW GIRL ORDER Mark), our client very clearly developed and established priority its NEW GIRL ORDER name and mark beginning as early as 2015. Additionally, it was established in the TTAB Action that your client did not begin using the NEW GIRL ORDER name and mark until at least 2018, at least three years after our client’s use, federal application, and subsequent registration.

It has now come to our client’s attention that despite your client’s actual knowledge of our client’s superior rights to the NEW GIRL ORDER name and mark, including the related federal registration, and our client’s judgment against FQM in the TTAB Action, FQM (in concert with its apparent subsidiary, New Girl Order Limited) appears to be offering for sale in the US identical

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goods sold under an identical or nearly identical name and mark as our client's federal registration. Our client has discovered that your client's products are apparently now available for sale in the US at the following locations:

- <https://www.dollskill.com/shop/new-girl-order.html>
- <https://www.urbanoutfitters.com/shop/new-girl-order-dragon-sweatpant>
- <https://www.zumiez.com/new-girl-order-flame-coral-pink-yellow-jogger-sweatpants.html>
- <https://www.asos.com/us/new-girl-order/new-girl-order-oversized-hoodie-in-cow-print-fleece/prd/21048358>

Additionally, we are now aware of three related US trademark applications that have been filed by your law firm in the US on behalf of your client including the following:

App./Reg. No.:	Mark	Goods and Services
88721237	NGIRLO	Class 25 for Bathrobes; Beachwear; Belts for clothing; Bikinis; Blazers; Blouses; Camisoles; Capes; Cardigans; Coats; Dresses; Dressing gowns; Footwear; Gilets; Gloves; Headwear; Jackets; Jeans; Jumpers; Knitwear, namely, sweaters, dresses, and tops; Leggings; Nightwear; Pajamas; Ponchos; Pyjamas; Rain jackets; Scarves; Shawls; Shirts; Shorts; Skirts; Socks; Suits; Sweaters; Sweatshirts; Swimwear; T-shirts; Ties as clothing; Tights; Tops as clothing; Trousers; Underwear; Vests; Waistcoats; Clothing wraps; Fabric belts
88721247	NGORDER	Class 25 for Bathrobes; Beachwear; Belts for clothing; Bikinis; Blazers; Blouses; Camisoles; Capes; Cardigans; Coats; Dresses; Dressing gowns; Footwear; Gilets; Gloves; Headwear; Jackets; Jeans; Jumpers; Knitwear, namely, sweaters, dresses, and tops; Leggings; Nightwear; Pajamas; Ponchos; Pyjamas; Rain jackets; Scarves; Shawls; Shirts; Shorts; Skirts; Socks; Suits; Sweaters; Sweatshirts; Swimwear; T-shirts; Ties as clothing; Tights; Tops as clothing; Trousers; Underwear; Vests; Waistcoats; Clothing wraps; Fabric belts
88721242	NEWGO	Bathrobes; Beachwear; Belts for clothing; Bikinis; Blazers; Blouses; Camisoles; Capes; Cardigans; Coats; Dresses; Dressing gowns; Footwear; Gilets; Gloves; Headwear; Jackets; Jeans; Jumpers; Knitwear, namely, sweaters, dresses, and tops; Leggings; Nightwear; Pajamas; Ponchos; Pyjamas; Rain jackets; Scarves; Shawls; Shirts; Shorts; Skirts; Socks; Suits; Sweaters; Sweatshirts; Swimwear; T-shirts; Ties as clothing; Tights; Tops as clothing; Trousers; Underwear; Vests; Waistcoats; Clothing wraps; Fabric belts

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Any use of our client's NEW GIRL ORDER Mark, or a mark similar thereto, in the US as part of your client's name, brand, trademark application, or otherwise used in connection with the sale identical or related goods as those of our client is likely to confuse potential clients who will falsely assume that there is some affiliation or relationship between the goods you offer and our client. As such, your client's use (or proposed use) constitutes infringement of the NEW GIRL ORDER Mark, as well as unfair competition. The Lanham Act, 15 U.S.C. §§ 1114 and 1125, provides various remedies for such violations of federal law, including but not limited to recovery of up to three times the amount of the victim's damages, the infringer's profits, and attorney's fees and costs, and preliminary and permanent injunctive relief.. The Lanham Act also prohibits registration of a mark which infringes on the rights of a third party. 15 U.S.C. § 1052(d). These penalties apply with even more force where the actions of the infringing party are willful, as they obviously are here with your client's full knowledge and awareness of our client's priority in the NEW GIRL ORDER Mark as conclusively established in the TTAB Action.

Based on the foregoing, we hereby demand that your client, including any affiliated entities, officers, employees, websites or d/b/a's **immediately:**

- 1) Cease all use of the NEW GIRL ORDER name and mark in the US, including any variations thereof, and any other name or mark similar to our client's NEW GIRL ORDER Mark;
- 2) Expressly abandon the pending US trademark applications for NGIRLO, NGORDER, and NEWGO or any other trademark application confusingly similar to our client's NEW GIRL ORDER Mark, and refrain in the future from filing any other similar trademark applications in the US;
- 3) Cease from further copying, importing, distributing, offering for sale or sale of any goods in the US bearing the NEW GIRL ORDER Mark, including any variations thereof, and any other name or mark similar to our client's NEW GIRL ORDER Mark;
- 4) Rename or dissolve the New Girl Order Limited corporation in as much as this entity carries on any business in the United States in association with apparel or other goods or services similar to that which is sold by our client;
- 5) Provide the undersigned an accounting of all sales of any products ever manufactured, imported, distributed, offered for sale, or sold in the US, including the number of products sold, the price they were offered for sale or sold at, gross sales and any gross profits made off such products;
- 6) Provide the undersigned an accounting of any remaining inventory of the infringing products in the US;
- 7) Provide the undersigned a list of all web domains which include the NEW GIRL ORDER name or mark, or any variation thereof;

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- 8) Refraining in the future from infringing upon the NEW GIRL ORDER Mark or otherwise unfairly competing with our client, including but not limited to refraining from registering, purchasing and/or using domain names containing the terms NEW GIRL ORDER or terms similar thereto.

We look forward to receiving your unambiguous written assurances that your client has complied with the foregoing **by December 4, 2020**. Absent receipt of same and a satisfactory resolution of this matter, our client reserves the right to take all appropriate action to protect its intellectual property rights.

This letter does not purport to be a complete statement of law or facts, and is without prejudice to our client's legal and equitable rights, which are expressly reserved. Please accept this letter as your client's notice under the U.S. Federal Rules of Civil Procedure 26(f) and 34 to preserve and maintain all records, electronic, or otherwise. This will include, without limitation, disabling any computer systems designed to automatically delete and/or overwrite dated or archived files, and halting all back-up tape recycling.

Sincerely,

**FALCON RAPPAPORT & BERKMAN PLLC**

By: /s/Moish E. Peltz

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cc: Carli Scott